

## REMARKS

Claims 21-40 are pending in the present application. In the above amendments, claims 21, 26, 31 and 36-40 have been amended. Therefore, after entry of the above amendments, claims 21-40 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

### 35 U.S.C. 103 Rejection

Claims 21, 26, 31 and 36 are rejected under 35 U.S.C. 103 as being allegedly unpatentable over Dutta (U.S. Patent No. 6,407,986) (“Dutta”) in view of Rao (U.S. Patent No. 6,272,334) (“Rao”). Applicants respectfully traverse the rejection. Applicants believe that neither Dutta, Rao, Wiberg et al. (Patent No. 6,407,986) (“Wiberg”) nor Sayeedi (U.S. Patent Application No. 20020145990) (“Sayeedi”), separately or in combination, disclose, teach or suggest the limitations to extract the information from the frame and deliver the information to the mobile station on a forward common channel for a push-to-talk communication.

Claim 21 of the Applicants’ claimed invention recites a method for delivering information to a mobile station in a group communication network where the method includes encapsulating the information inside a frame, forwarding the frame to a server for delivery to the mobile station and causing the server to extract the information from the frame and deliver the information to the mobile station on a **forward common channel**.

The Applicants would like to emphasize that their claimed invention has a “**forward**” descriptive component of the channel and another “**common**” descriptive component. This is a key distinction between the applied reference and the claimed invention. The forward common channel or forward control channel or forward common control channel is also known as F-CCCH in cellular technology. The 3GPP2 Standard, “cdma2000 High Rate Packet Data Air

Interface Specification,” C.S20024, version 4.0, October 25, 2002 (“3GPP2 Standard”), defines the various components used within a wireless cellular network as used in the Applicants claims. This definition is not meant to limit the Applicants’ claims to CDMA technology, but rather to indicate one set of established definitions for terms used in a cellular push-to-talk environment. Other cellular technologies, such as GSM, WCDMA or CDMA2000, use similar technologies with similar definitions. There are different channels that are used in different manners to transport information between a mobile station or communications device (CD) and a Mobile switching center (MSC). For instance, a Forward Control Channel is defined as a “channel that carries data to be received by all access terminals monitoring the Forward Channel.” A forward Traffic Channel, on the other hand, is defined as “the portion of the Forward Channel that carries information for a specific access terminal.” 3GPP2 Standard, pg 1-13.

The Examiner is directed towards page 11, paragraph [0059] of the Applicants’ specification which discloses:

To reduce the PTT latency, in one embodiment, the group signaling, such as the floor-control requests, floor-control responses, and dormancy wakeup messages, may be transmitted on some available common channels, without waiting for dedicated traffic channels to be re-established. Such common channels may be always available, regardless of the state of the mobiles, and may not require being requested and reassigned each time a user wishes to initiate a group call. Therefore, the group call signaling may be exchanged even when mobiles are dormant, which may provide a means to re-establish dedicated traffic channels for the talker and listener mobiles in parallel.

Dutta fails to teach or suggest the use of any commonality of channels in the manner claimed by the Applicants nor does it teach or suggest any of the technical features specified above. Dutta refers to a forward channel only. In a Standard-C system, as used by Dutta, “forward (from the hub to the mobile terminals) data traffic is carried in a time-division multiplexed (TDM) forward channel which is received by all mobile terminals of the system.”

Col. 2, lines 7-10. In addition, Dutta reinforces this concept stating “at least one forward channel for channeling data transmitted from a central station to a plurality of terminals.” Abstract. Therefore, because Dutta references a satellite transmission protocol, there is only one forward channel which does not distinguish between channels that carry data to be received by all access terminals v. data that is to be carried to a specific access terminal.

More specifically, in the portion of the reference emphasized by the Examiner (col. 8, lines 26-50), Dutta simply states that “The queue manager subsystem **183** retrieves user messages from the storage subsystem **182** to most efficiently fill frames of data to be transmitted via the TDM or **forward channel 161** ...” Therefore, there is simply no teaching or suggestion in Dutta of using a **forward common channel** as claimed by the Applicants.

The Examiner acknowledges that the primary reference (Dutta) is defective in that it fails to specifically disclose “a group communication network for a push-to-talk communication.” The Examiner then applies Rao as a secondary reference in an attempt to make up for the deficiencies of the primary reference. The Applicants respectfully submit that Rao fails to cure the deficiencies of Dutta noted above. While Rao does disclose a push-to-talk communicate system, it does so with regard to expediting communication between multiple radio cells to accomplish a broadcast of the radio transmission through the use of routing and connection tables ... the resources of the network are thereby optimized. Abstract. Rao therefore teaches optimizing of networks, not to “deliver the information to the mobile station on a forward common channel to be received by all mobile stations monitoring said forward common channel” which is generally not an optimization. Therefore Rao clearly teaches away from the features of the claims, and Applicants believe that there is nothing in Rao to provide a suggestion of desirability of making the combination with Dutta.

Therefore, for at least these reasons, it is respectfully submitted that the rejection be withdrawn and that claim 21 be allowed. Claims 26, 31 and 36 are independent claims that recite related subject matter to independent claim 21 and should be allowed for at least the same reasons presented above regarding claim 21 as well as the additionally recited features found in these claims.

Claims 22-24, 27-29, 32-34 and 37-39 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dutta in view of Rao and Wiberg. Applicants respectfully traverse the rejection.

The Examiner acknowledges that the primary references (Dutta and Rao) is defective in that it fails to specifically disclose “delivering information when the mobile station is in idle state with no traffic channel.” The Examiner then applies Wiberg et al. as a secondary reference in an attempt to make up for the deficiencies of the primary reference. The Applicants respectfully submit that Wiberg et al. fails to cure the deficiencies of Dutta noted above.

Claims 22-24, 27-29, 32-34 and 37-39 are dependent claims that depend upon independent claims 21, 26, 31 and 36 respectively and should be allowed for at least the same reasons presented above regarding the independent claims as well as the additionally recited features found in the dependent claims. Therefore, for at least these reasons, it is respectfully submitted that the rejection be withdrawn and that claims 22-24, 27-29, 32-34 and 37-39 be allowed.

Claims 25, 30, 35 and 40 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dutta in view of Rao and Sayeedi. Applicants respectfully traverse the rejection.

The Examiner acknowledges that the primary references (Dutta and Rao) is defective in that it fails to specifically disclose “delivering the information on the common channel in short data burst form.” The Examiner then applies Sayeedi as a secondary reference in an attempt to make up for the deficiencies of the primary reference. The Applicants respectfully submit that Sayeedi fails to cure the deficiencies of Dutta. Claims 25, 30, 35 and 40 are dependent claims that depend upon independent claims 21, 26, 31 and 36 respectively and should be allowed for at least the same reasons presented above regarding the independent claims as well as the additionally recited features found in the dependent claims. Therefore, for at least these reasons, it is respectfully submitted that the rejection be withdrawn and that claims 25, 30, 35 and 40 be allowed.

**Dependent Claims**

Claims 22-25, 27-30, 32-35 and 37-40 depend directly or ultimately from, and include all the subject matter of, claims 21, 26, 31 and 36, and should be allowed for at least the same reasons presented above regarding the independent claims as well as the additionally recited features found in the claims. Because independent claims 21, 26, 31 and 36 are believed to be allowable, Applicant has not argued or otherwise relied on independent patentability of dependent claims, but reserves the right to do so in this or any subsequent proceeding.

## CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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